

Remarks

In the Office Action of September 11, 2009, a restriction requirement between the method claims 1 – 17 and the apparatus claims 18 – 24 was established. In support of the proposition that the claims of Groups I & II do not relate to a single general inventive concept because they lack the same or corresponding special technical features, it was asserted in the Office Action that the claims of Group I lack a controller and “a rotational delay clutch assembly co-axially positioned between each pair of the first and second brushes”. Applicants respectfully disagree with this analysis and characterization of the method claims for the following reasons:

1. The preamble identifies the subject matter as a self-propelled robotic pool cleaner. This type of device is well established in the art and inherently requires a controller to enable its basic operations, e.g., stopping, reversing and starting the drive motors, as required by the method.

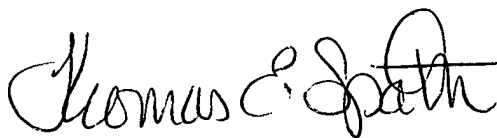
2. Claim 2 which is part of Group I recites “a rotational delay clutch co-axially positioned between each of the first and second pair of dual brushes”. This structural limitation is found in the preamble of dependent claim 2, and the assertion in the Office Action is clearly not accurate.

3. The functioning of the apparatus of Group II and the method steps recited in the claims of Group II include numerous common features. Although they are admittedly presented in different forms and are of different scope, it does not appear to applicants that any particular burden is presented by the searching and analysis of the prior art that may be relevant to the combined subject matter.

For the above reasons, applicants respectfully request that the identification of the groups be reconsidered. A more appropriate parsing of the subject matter would be to define Group I as claim 1 and Group II as claims 2 – 24.

The applicant has tentatively elected the claims of Group II. Should the examiner favorably reconsider the claims for each group and reassign claims 2 – 17 to Group II, applicants will elect the new Group II.

Respectfully submitted,

A handwritten signature in black ink, reading "Thomas E. Spath". The signature is fluid and cursive, with the first name "Thomas" being the most prominent part.

Thomas E. Spath
Attorney for Applicant
Reg. No. 25,928

ABELMAN, FRAYNE & SCHWAB
666 Third Ave., 10th Floor
New York, NY 10017-5621
Tele: (212) 949-9022
Fax: (212) 949-9190